

Minutes

Amherst Charter Commission meeting of October 13, 2016

Members Present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Julia Rueschemeyer, Diana Stein, Gerry Weiss. Members Absent: Irv Rhodes. Presenters: Michael Ward and Tanya Stepasiuk. In attendance: Ted Parker, Kevin Collins, Maurianne Adams, Walter Wolnik, Larry Kelley, Kitty Axelson-Berry

Agenda: 1. Call to order, approve agenda, approve minutes (5 minutes) 2. Presentation about charters and key decisions (30 minutes) 3. Discussion of questions about the Town/themes from outreach (60 minutes) 4. Discussion of major direction(s) and next steps (30 minutes) 5. Discussion of comparable communities and research questions (20 minutes) 6. Preliminary vote on technical pieces of master draft (20 minutes) 7. Public comment (10 minutes) 8. Agendas/planning for future meetings (5 minutes) 9. Adjourn

The meeting was called to order at 6:05 p.m. in the Police Station Community Room

Consultants' presentation: Michael Ward: creating a new charter is challenging, difficult work, and we have just under a year left. He wants to get to know commission members and the town's values. What makes a healthy process is not the same everywhere. State law defines the functions and essential procedures for municipal government, and the charter is comparable to the state or national constitution. "Faulty governmental machinery is responsible for more governmental ills than most people suspect." Some charters are short, some long.

Tanya Stepasiuk: Members should read several charters and discover what we want to emulate. Ward: Legislature is a typical starting point, but can be put off. If a town, the decision is open vs. representative Town Meeting; if a city, the size, composition and length of term of councilors. On the Executive side, if a manager, the powers, duties, and responsibilities; if a mayor, the same, plus the length of term. With other boards, which are elected or appointed. Elections and citizen relief mechanisms can include signature requirements, preliminary elections, free petition, initiative, referendum, and recall.

Other items include whether the charter will be reviewed after the passage of time, and a timeline for the transition. The process for developing a charter is extremely iterative, and includes many opportunities to go back and confirm or change a past decision. He cited Framingham, whose commission first voted a 13-member council, then reduced the size to 11. An example of the process could be a discussion of overall direction, a straw vote, public feedback, further discussion and a second vote, discussion and vote on sub-decisions, public feedback, and revisiting and re-voting on all the text. "There are multiple bites at the apple."

Gage said she wants a process that doesn't increase divisions on the commission. Churchill said he's wrestling with whether to wade into a decision about a legislature. Rueschemeyer said if the commission considers the legislature first, it could run into trouble. For example, if we decide that public participation is an important goal, there are ways on multiple levels to incorporate it, and it helps the discussion of a legislature to know that is coming. Churchill noted that although we think of Town Meeting as a legislature, it doesn't actually generate legislation. Stepasiuk suggested inviting people from the current government to come in and explain how it works. Hanneke said it concerns her to take "one chunk at a time." Ward said that all the parts are interwoven, and just because you discuss one part, that doesn't preclude discussing another. Stepasiuk said that often the first discussion is the legislature and executive together, adding, "I anticipate that will be a big deal for this group."

Weiss noted that the consultants' language on the executive branch leaves out the fact that the Select Board is the executive. If there's a mayor, there are many opinions about a strong vs. weak one. "Consensus is impossible without compromise." We have to agree on whether to seek consensus or have a "strong vote." He said, "As soon as we hit the legislature/executive, the arguing will start." Stepasiuk responded, "I don't want to discourage arguing." Weiss said he'd like to get to consensus; Stepasiuk suggested a straw vote.

Grabbe read from the "Making Group Decisions" document presented by Irma Gonzalez. On consensus, it reads, "Involves everyone clearly understanding the situation, analyzing relevant facts together, and then jointly developing solutions that represent the whole group's best thinking about the optimal decision. It's characterized by a lot of listening, healthy debate and testing of options. It generates a decision about which everyone says, 'I can live with it.'"

Weiss said his goal is to bridge the divide over Town Meeting. Hanneke said that not every decision need be by consensus. Weiss said that he might say he could vote for something as long as something else happens. Stepasiuk said that votes are not the opposite of consensus, and the commission could face roadblocks if members say they have to agree on everything. Fricke said he's comforted by the idea of frequent revisions. Gage said that earlier, we took a week before voting to consider an issue and liked that.

Summary of member responses to Collins Center questions: Stepasiuk listed the following summary of values identified by Commission members in response to a Collins Center survey:

- Maintain and improve citizen participation and involvement (including policy-making and voting)
- Support a clear voice for Amherst (including relationship with UMass and colleges)
- Foster representativeness (reflective of demographics and reflective of representation of interests)
- Create effective, deliberative, and efficient structures, roles, and processes (including within the government and with the relationship with residents)
- Prioritize accountability and transparency
- Foster a culture of tolerance and respect
- Support the ability to address Amherst's problems and craft a future direction
- Avoid big-money politics

Gage added communication among departments and with the public. She said citizen participation and efficiency are often in tension with each other. Weiss said, "Voting is not high on my list." Stepasiuk suggested putting these values on a poster and bringing it to every meeting as a guide at each decision point. Hanneke added we do not have diversity (in our government) but inclusivity based on age, gender, race and income.

Churchill said that some citizens want to get involved, while others want government to hear them but don't want to spend the time to work on it. "You want to be able to feel the government represents you even if you don't have a lot of time to devote to it." Fricke said the challenge is to fit representation with accountability, and residents want the opportunity to participate meaningfully in the selection of their representatives.

Grabbe said he's been collecting ideas from various sources on how citizen participation can be increased and broadened in a council form of government. He sent the list to the consultants and will send it to commission members.

Gage mentioned deliberative (as in Town Meeting) reflective, diversity and accountable as important principles. Weiss noted that without participation, people lack understanding on key votes.

Stepasiuk provided examples of a charter preamble from Newton, Barnstable and Sutton. The Barnstable preamble included, “praying for the minimum of interference from the yet larger state.”

Ward listed the following town challenges identified by Commission members:

- Planning/zoning/development/housing
- University/college-related challenges
- Politics
- Leadership and management
- Taxes
- Government services and functions
- Demographics-related

From our listening sessions, Gage said she heard a high regard for the schools, and police and fire departments, and public works. Churchill he heard about the tax base and services. Rueschemeyer said she heard a lot about problems with the schools and public works.

Ward listed the following issues the commission members mentioned hoping to address through the Charter:

- Public participation
- Clarity of roles and responsibilities
- Planning/zoning/development/housing
- Strong voice to other entities (University, colleges, state, etc.)
- Leadership and management
- Bridging the divide between those who would do away with Town Meeting and those who would keep it

Stepasiuk asked what research the commission wants the consultants to do. There was interest in how the values identified by Commission members can be interwoven into the various sections of a charter—possibly in the preamble. Ward said he'll write memo to pull it all together.

Public comment: In the public comment period, Maurianne Adams said that Town Meeting responds to what comes from the Planning Board, Finance Committee, School Committee and library trustees, with the Select Board weighing in, and the only things it initiates are citizen petitions. We don't really have a legislature. We have a strong elected and appointed committee structure that's very powerful. On the issue of participation, Adams said many people go to meetings, hear what committees are planning, and leave without the feeling that they are participating in the decision. “That means turning to Town Meeting as the only vehicle to say yes or no.” Churchill said Town Meeting is like a judiciary, in that it judges decisions proposed from elsewhere.

Ted Parker said it's limited Town Meeting, not modified Town Meeting. Kevin Collins said the word “representative” is not on the consultants' lists, and it's the main thing we hope to get. Town Meeting members shouldn't carry on business behind closed doors and be free to influence state-mandated boards. Town Meeting includes mostly property owners, he said, including one with \$7 million properties who votes on items that affect them, and half the town is composed of renters. Julia said there are renters also in Town Meeting.

Churchill said, “Different functions require different types of attention.” We don't need a year-round legislature for budgeting, but we do for bylaws, including zoning. Gage said there are two meanings of “representative,” reflective of one's constituency and speaking for that constituency. Churchill said Town Meeting acts more like a judiciary than a legislative body and that if we want a representative sample for

Town Meeting, it could be like jury duty. “Good luck with that,” Weiss said. It was asked by Churchill if Mike and Tanya ever put together a “taxonomy” of what a Town needs to do. For example, in Amherst, budgeting works OK now but maybe zoning needs greater frequency of meetings. Fricke said that he would want the Legislative function crystal clear when we are done.

Directions and next steps: Ward said he will do a timeline for the next meeting, and weave together the themes he's heard. He said he assumes there's a consensus not to go back to open Town Meeting. Gage said it's been mentioned in the context of other things, so it's not “off the table.” She asked if it was legal, and Ward responded that no town with less than 6,000 residents can have a representative Town Meeting; between 6,000 and 12,000 it can be open or representative; and over 12,000 a council is an option, so it is not specifically prohibited to have an open Town Meeting in a town the size of Amherst.

Stepasiuk said big decisions are looming, and the commission needs to be on track to meet certain deadlines. She asked how much time the group felt it would need to deliberate about key legislative and executive functions. Grabbe thought 2 to 3 weeks. Churchill said he's more comfortable starting by mapping values onto pieces of the charter, perhaps starting with citizen participation before getting into legislative and executive components. Rueschemeyer agreed, saying there should be a meeting on “meaningful, policy-making participation” to brainstorm the options.

Churchill said that by a certain time, the commission should start to discuss the legislative and executive options and allot a certain number of weeks for that. Weiss asked if there could be a mayor and Town Meeting, and the commission should have all the options on the table. Ward said there's no place that says this is not an option.

Comparable communities: Ward said the goal is to select 10 to 20 communities, based on population, geographic region, demographics, and special factors such as the presence of a state university. He passed out a list of Massachusetts towns, some in the Boston area (Cambridge, Newton, Somerville, Framingham, Brookline) and some in Western Mass. (Northampton, Greenfield, East Longmeadow, Easthampton, Longmeadow) and others that have some demographic similarity to Amherst, such as population, number of registered voters, budget, budget per capital, land area and public road mileage (along with their forms of government). The handout also included research done by Grabbe on Northeastern municipalities with a major university, and research done by Weiss on other university communities around the U.S. Weiss said he wants to know how they handle the pressures of development, housing, neighborhoods, and other similar problems. Churchill thought since Amherst's budget is much lower than some of the other municipalities, sorting by budget size might be useful.

Rueschemeyer said that political leanings are also important as comparison, noting that Amherst is like Newton, Brookline and Cambridge in this regard. Ward said Cambridge is much larger and the impact of the pharmaceutical and biotech sectors impacts the tax rate. Stein said that if a town has no experience with Town Meeting, it doesn't seem a valid comparison; therefore she was less interested in non-New England examples.

Gage suggested that commission members visit some of the towns, in groups of two. Stein said she would rather Skype. Grabbe said he hopes to go on such visits. Ward said the list needs to be culled, and the commission could focus on some from each group. Grabbe said Greenfield and Easthampton both have experience transitioning from Town Meeting to mayor/council forms. Grabbe said that Burlington, VT has some aspects that are similar to Amherst, but Fricke said it's the largest city in the state.

Draft charter document. Ward passed out a blank charter so that commission members could get a sense of what it looks like. Weiss said that you can have a city form of government and call yourself a town. Fricke questioned the line in the sample Article 1, “The legislative branch shall never exercise any

executive power, and the executive branch shall never exercise any legislative power.” Stepasiuk said they're trying to remove that phrase, but most charters have that. Rueschemeyer asked if we can get rid of it.

Things to do: Ward said he would send the commission his slides, do a spreadsheet with Commissioners' answers to the Collins Center's introductory questions, provide sample preambles, do a memo on mapping values to where they might plug into the charter, provide a list of typical legislative functions, provide a timeline, and provide a revised list of comparison communities. Stepasiuk said at the next meeting, there will be a discussion of the values memo and the timeline. She said we would vote on the Draft Charter technical components discussed at this meeting. Stepasiuk said commission members should read some charters, and will send her favorites. There was discussion of when the next meeting would be, and it was set for Oct. 26. The meeting scheduled for Oct. 20 was canceled.

Churchill said a commission member needs to attend a meeting on Oct. 25 to explain the revised wording for the public funding. Gage and Rueschemeyer said they would go. The next listening session will be at 10:15 at Amherst Community Connections, followed by one at the Jones Library Oct. 27 at 6:45. Rueschemeyer said that at the Jones Library session, she hopes to get at “issues of rancor.”

Wolnik spoke about cutting the size of Town Meeting by 75 percent. Adams said the consultants' memo assumed there is a clean division between executive and legislative, and she hopes we will assess what they are so the commission can make better decisions.

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,
Nick Grabbe, Clerk

Handouts:

Amherst Draft Charter
List of Potential Comparable Communities